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ABSTRACT

This report presents the experiences of and lessons learned by Juvenile Detention Alternatives Initiative (JDAI) sites regarding the development of effective alternatives to secure detention. Each site expanded or enhanced its program repertoire as part of its detention system reform efforts. Chapter 1, "Why We Need Effective Alternatives to Detention," discusses reasons for change. Chapter 2, "Guiding Principles," examines seven fundamental principles that emerged from JDAI jurisdictions in developing effective detention alternatives. Chapter 3, "Program Models: Components of a Detention Continuum," describes three basic program models for youth held in secure detention prior to a disposition hearing. Chapter 4, "Special Populations," looks at how JDAI sites developed specific program responses for youth held as probation violators and for youth held for adult court processing. Chapter 5, "Design and Implementation Issues," examines who gets into the alternatives, who decides which youth are placed in alternatives and when, how long juveniles should stay in alternatives, the right response to noncompliant behavior, and startup and expanding alternatives. Chapter 6, "Management Issues," discusses various key management issues. Chapter 7, "Getting Started," presents nine recommended steps for developing alternatives. A list of resources is included. (SM)

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PATHWAYS TO JUVENILE DETENTION REFORM

CONSIDER THE ALTERNATIVES

planning and implementing detention alternatives

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4

PATHWAYS TO JUVENILE DETENTION REFORM

CONSIDER THE ALTERNATIVES

planning and implementing detention alternatives

by Paul DeMuro

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SERIES PREFACE

Many years ago, Jim Casey, a founder and long-time CEO of the United Parcel Service, observed that his least prepared and least effective employees were those unfortunate individuals who, for various reasons, had spent much of their youth in institutions, or who had been passed through multiple foster care placements. When his success in business enabled him and his siblings to establish a philanthropy (named in honor of their mother, Annie E. Casey), Mr. Casey focused his charitable work on improving the circumstances of disadvantaged children, in particular by increasing their chances of being raised in stable, nurturing family settings. His insight about what kids need to become healthy, productive citizens helps to explain the Casey Foundation's historical commitment to juvenile justice reform. Over the past two decades, we have organized and funded a series of projects aimed at safely minimizing populations in juvenile correctional facilities through fairer, better informed system policies and practices and the use of effective community-based alternatives.

In December 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was straightforward: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative was inspired by work that we had previously funded in Broward County, Florida, where an extremely crowded, dangerous, and costly detention operation had been radically transformed. Broward County's experience demonstrated that interagency collaboration and data-driven policies and programs could reduce the numbers of kids behind bars without sacrificing public safety or court appearance rates.

Our decision to invest millions of dollars and vast amounts of staff time in JDAI was not solely the result of Broward County's successful pilot endeavors, however. It was also stimulated by data that revealed a rapidly emerging national crisis in juvenile detention. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent *(see Figure A)*. This increase

might be understandable if the youth in custody were primarily violent offenders for whom no reasonable alternative could be found. But other data *(see Figure B)* reveal that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. Disturbingly, the increases in the numbers of juveniles held in secure detention facilities were severely disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those numbers were reversed *(see Figure C)*, a consequence of greatly increased detention rates for African-American and Hispanic youth over this 10-year period.[1]

As juvenile detention utilization escalated nationally, crowded facilities became the norm rather than the exception. The number of facilities

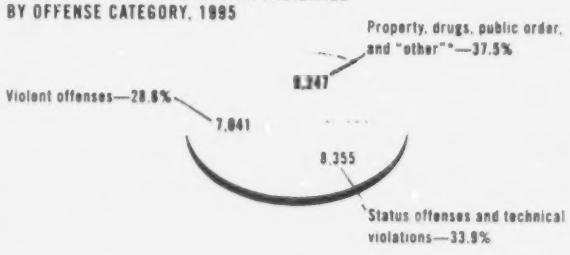
FIGURE A

AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE B

ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995



*Examples of "other" include alcohol and technical violations.
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE C

JUVENILES IN PUBLIC DETENTION CENTERS BY MINORITY STATUS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

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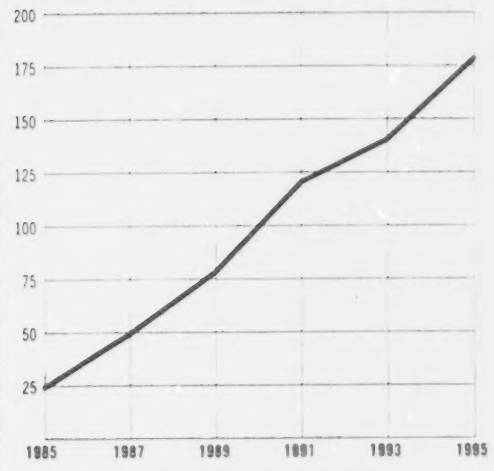
operating above their rated capacities rose by 642 percent, from 24 to 178, between 1985 and 1995 (*see Figure D*), and the percentage of youth held in overcrowded detention centers rose from 20 percent to 62 percent during the same decade *(see Figure E)*. In 1994, almost 320,000 juveniles entered overcrowded facilities compared to 61,000 a decade earlier.

FIGURE D

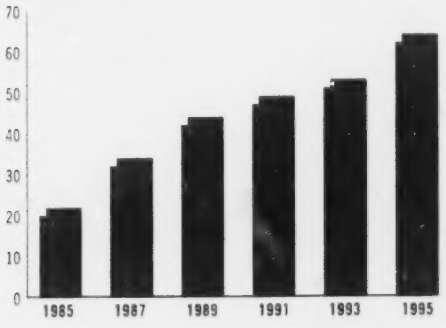
NUMBER OF OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE E

PERCENTAGE OF JUVENILES IN OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

Crowding is not a housekeeping problem that simply requires facility administrators to put extra mattresses in day rooms when it's time for lights out. Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. A recently published report by staff of the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:

> *Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation, and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant (heating, plumbing, air circulation) and makes it more difficult to maintain cleaning, laundry, and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resort to increased control measures such as lockdowns and mechanical restraints.*[2]

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Crowding also puts additional financial pressure on an already expensive public service. Operating costs for public detention centers more than doubled between 1985 and 1995, from $362 million to almost $820 million *(see Figure F)*. Some of these increased operating expenses are no doubt due to emergencies, overtime, and other unbudgeted costs that result from crowding.

FIGURE F
TOTAL OPERATING EXPENDITURES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995

JDAI was developed as an alternative to these trends, as a demonstration that jurisdictions could control their detention destinies. The initiative had four objectives:

- to eliminate the inappropriate or unnecessary use of secure detention;
- to minimize failures to appear and the incidence of delinquent behavior;
- to redirect public finances from building new facility capacity to responsible alternative strategies; and
- to improve conditions in secure detention facilities.

To accomplish these objectives, participating sites pursued a set of strategies to change detention policies and practices. The first strategy was *collaboration*, the coming together of disparate juvenile justice system stakeholders and other potential partners (like schools, community groups, the mental health system) to confer, share information, develop system-wide policies, and to promote accountability. Collaboration was also essential for sites to build a consensus about the limited purposes of secure detention. Consistent with professional standards and most statutes, they agreed that secure detention should be used only *to ensure that alleged delinquents appear in court at the proper times and to protect the community by minimizing serious delinquent acts while their cases are being processed.*

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Armed with a clearer sense of purpose, the sites then examined their systems' operations, using objective data to clarify problems and dilemmas, and to suggest solutions. They changed how admissions decisions were made (to ensure that only high-risk youth were held), how cases were processed (particularly to reduce lengths of stay in secure detention), and created new alternatives to detention programs (so that the system had more options). Each site's detention facility was carefully inspected and deficiencies were corrected so that confined youth were held in constitutionally required conditions. Efforts to reduce disproportionate minority confinement, and to handle "special" detention cases (e.g., probation violations or warrants), were also undertaken.

In practice, these reforms proved far more difficult to implement than they are now to write about. We began JDAI with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just about when implementation activities were to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, such as the killing of several tourists in Florida, coupled with reports of significantly increased juvenile violence, spurred both media coverage and new legislation antithetical to JDAI's notion that some youth might be "inappropriately or unnecessarily" detained. This shift in public opinion complicated matters in virtually all of the sites. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. Administrators became reluctant to introduce changes that might be perceived as "soft" on delinquents. Legislation was enacted that drove detention use up in several places. Still, most of the sites persevered.

At the end of 1998, three of the original sites—Cook, Multnomah, and Sacramento Counties—remained JDAI participants. Each had implemented a complex array of detention system strategies. Each could claim that they had fundamentally transformed their system. Their experiences, in general, and the particular strategies that they implemented to make their detention systems smarter, fairer, more efficient, and more effective, offer a unique learning laboratory for policymakers and practitioners who want to improve this critical component of

the juvenile justice system. To capture their innovations and the lessons they learned, we have produced this series of publications—***Pathways to Juvenile Detention Reform.*** The series includes 13 monographs, all but two of which cover a key component of detention reform. (As for the other two monographs, one is a journalist's account of the initiative, while the other describes Florida's efforts to replicate Broward County's reforms statewide.) A complete list of the titles in the ***Pathways*** series is provided at the end of this publication.

By the end of 1999, JDAI's evaluators, the National Council on Crime and Delinquency, will have completed their analyses of the project, including quantitative evidence that will clarify whether the sites reduced reliance on secure detention without increasing rearrest or failure-to-appear rates. Data already available, some of which was used by the authors of these monographs, indicate that they did, in spite of the harsh policy environment that drove detention utilization up nationally.

For taking on these difficult challenges, and for sharing both their successes and their failures, the participants in the JDAI sites deserve sincere thanks. At a time when kids are often disproportionately blamed for many of society's problems, these individuals were willing to demonstrate that adults should and could make important changes in their own behavior to respond more effectively to juvenile crime.

Bart Lubow
Senior Associate and Initiative Manager
The Annie E. Casey Foundation

Notes

[1] In 1985, white youth were detained at the rate of 45 per 100,000, while African-American and Hispanic rates were 114 and 73, respectively. By 1995, rates for whites had decreased by 13 percent, while the rates for African-Americans (180 percent increase) and Hispanics (140 percent increase) had skyrocketed. Wordes, Madeline and Sharon M. Jones. 1998. "Trends in Juvenile Detention and Steps Toward Reform," *Crime and Delinquency, 44(4):*544-560.

[2] Burrell, Sue, et. al., *Crowding in Juvenile Detention Centers: A Problem-Solving Manual,* National Juvenile Detention Association and Youth Law Center, Richmond, KY, prepared for the U.S. Department of Justice, Department of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (December 1998), at 5-6.

Chapter 1

WHY WE NEED EFFECTIVE ALTERNATIVES TO DETENTION

In many jurisdictions, judges and probation staff have only one of two options when faced with a youth who has been arrested and charged with an offense: they can either release the youth to his or her parents or another responsible adult or lock up the youth in a secure detention facility. Therefore, it seems like a fairly straightforward proposition: to relieve overcrowding in detention, juvenile justice leaders should create alternatives—options to the secure facility—to supervise youth whose cases are pending in juvenile court. The use of effective detention alternatives assures that youth who do not require secure care are supervised in less costly programs while the most serious offenders are appropriately supervised in a secure setting. Without access to effective alternative programs, system officials will frequently choose to lock up too many alleged delinquents.

The need for a variety of options to supervise youth pending action of juvenile court may be a straightforward proposition; however, it is not necessarily a simple and easy one to implement. Many jurisdictions operate detention alternatives that primarily handle youth who would not have been detained in any event. Other jurisdictions have programs that perform badly, often producing unintended consequences that may have serious impact on overall use of secure detention. If alternatives are not carefully designed and implemented, they will not reduce a jurisdiction's use of the secure facility. If the alternatives do not provide sufficient levels of supervision, they will not be widely accepted in a jurisdiction.

This report presents the experiences of and lessons learned by the JDAI sites regarding the development of effective alternatives to secure detention. Each site expanded or enhanced its program repertoire as part of its detention system reform efforts. Some sites built an entirely new continuum; others filled key programmatic gaps. Taken together, their experiences help to clarify ways to plan, implement, and monitor effective alternatives to detention.

Chapter 2

GUIDING PRINCIPLES

Seven fundamental principles emerge from the experiences of JDAI jurisdictions in developing effective detention alternatives. These principles can help shape and guide a jurisdiction's practice.

1. Detention should be viewed as a legal status, with varying levels of custody supervision, rather than as a building. In most jurisdictions, when people talk about "juvenile detention" they mean the secure facility itself. Even if the discussion is explicitly about a youth's legal status, detention is generally equated with being "locked up." In practice, however, effective system reforms are more likely—and non-secure alternatives will be better designed and implemented—if policymakers and practitioners start to think of detention as a continuum of options ranging from secure custody to various types and levels of non-custodial supervision like home confinement or day reporting. From this vantage point, the narrow options for handling newly arrested delinquents common to most systems (i.e., secure custody versus outright release) can be expanded through the implementation of new programs, such as those described in this monograph. Then, youth will be more likely to end up in detention options consistent with the risks they pose, rather than being securely detained simply because no alternatives to the locked facility are available.

2. For alternatives to detention to be effective, agreement is needed on the purpose of secure detention and of alternatives. It is an unfortunate truism: The creation of detention alternatives does not always reduce a jurisdiction's use of secure detention. Before planning and developing alternatives, the leadership of a jurisdiction needs to define and agree upon the purposes of secure detention and of non-secure alternatives to it. Without such agreement, the creation of alternatives may "widen the net," or lead to inappropriate interventions. For pre-adjudicated youth, secure detention should be used to ensure the youth's appearance at subsequent court hearings and/or to minimize the likelihood of serious new offenses.

Pre-trial alternatives to detention, therefore, are not meant to punish youth or to provide treatment.

3. **Detention alternatives should be planned, implemented, managed, and monitored using accurate data.** Before designing an alternative program, a jurisdiction needs to understand what types of alleged delinquents are being held in secure detention and for how long. These data will help determine how many youth are being held for probation violations, as courtesy holds, as placement "failures," or for short-term sentences. Answers to these questions should suggest programmatic solutions. For example, if a large number of secure beds are filled with probation violators, the types of programs needed will be different than if the target population is largely pre-adjudicated youth. Once implemented, detention alternatives should be monitored using objective data to track and analyze (1) the numbers and types of youth placed in the programs, (2) whether the program is displacing youth from the secure facility, and (3) how well the juveniles perform while in the alternative.

4. **A reformed detention system should include a *continuum* of detention alternatives, with various programs and degrees of supervision matched to the risks of detained youth.** Detention alternatives should offer a variety of levels of supervision to youth awaiting adjudication. A typical detention continuum will include, at a minimum, home confinement or community supervision; day or evening reporting centers for youth who lack structured daily activities; and non-secure shelter for youth who need 24-hour supervision, or as in some jurisdictions, for youth without a home to return to. Placement in the continuum should be based upon an individualized assessment of each youth's potential danger to the community and likelihood of flight. Effective continuums allow for youth to be moved to more- or less-restrictive settings as a function of their program performance.

> *The development of alternative programs is a process. I can remember when the light bulb went on for myself... I mean I realized that we were talking about graduating somebody up and maybe graduating them down based on performance, and that we had to develop alternative programs to fill in the missing slots*

that we had in our continuum.—John Rhoads, Chief Probation Officer, Santa Cruz County, former Deputy Chief Probation Officer, Sacramento County

5. Detention alternatives should be culturally competent, relevant, and accessible to the youth they serve. Alternative programs should be culturally relevant and reflective of the youth who will be referred to them. In many urban jurisdictions, children of color constitute the majority of youth placed in secure detention. Effective alternative detention programs should be staffed by people who can best relate to these youth. Whenever possible, programs should be located in the neighborhoods from which the youth come, both for ease of participation and because community context is important to program outcomes. In addition, the special needs of girls should be considered when designing alternative programs.

6. Detention alternatives should be designed and operated on the principle of using the least restrictive alternative possible. Appropriate supervision can be provided while a youth is living at home, attending a day or evening reporting center, or living in an alternative residential placement. The degree of supervision imposed in each case should depend on the assessment of a youth's potential danger to the community and risk that he or she will fail to appear in court. Designing detention alternatives this way encourages a jurisdiction to (1) match the degree of restriction to the risks posed by the youth, (2) increase or decrease restrictiveness according to the youth's performance, and (3) ensure cost-efficiency by "reserving" costly secure detention beds for youth who represent the greatest risk to public safety.

7. Detention alternatives should reduce secure detention and avoid widening the net. The creation of detention alternatives should not inadvertently place more youth under detention supervision and into secure detention than was the case before the change. Widening the net frequently occurs in three ways. First, some youth are placed in alternatives as a diversionary tool or for "treatment" reasons. This can easily occur if the detention alternative is seen primarily as offering needed services (counseling, tutoring, recreation) to youth and not as offering primarily enhanced community supervision. Second, the net may widen if less seri-

ous offenders (youth who would not have been considered for secure detention) are placed into alternative programs because screening criteria are too loose. And third, youth correctly placed in an alternative detention program may be frequently cited for minor transgressions, then placed in secure custody, even when other less restrictive corrective actions would work.

Some detention alternatives seem designed to catch a youth doing something wrong (e.g., missing a curfew or an appointment). An alternative detention program's primary objective is not to catch youth in minor infractions. This approach can have the effect of putting more youth into secure detention. Instead, detention alternatives should seek to maximize youth's success while in non-secure alternatives by developing a range of responses to minor disciplinary problems.

Chapter 3

PROGRAM MODELS: COMPONENTS OF A DETENTION CONTINUUM

A continuum of detention alternatives generally includes three basic program models for youth held in secure detention prior to a disposition hearing: (1) home or community detention (non-residential, non-facility-based supervision), (2) day or evening reporting centers (non-residential, facility-based supervision), and (3) shelter or foster care (non-secure residential placement). Within each model can be a range of degrees or levels of supervision.

Across the country and within the JDAI sites, a number of program models have proven effective as alternatives to secure detention. While specific examples of successful programs should be examined by those interested in implementing new alternatives, it is important for localities to tailor programs to the communities where they will be located.

A. Home or Community Detention

The JDAI sites use home or community detention alternative programs to supervise youth who can safely reside in their own homes or with relatives. Home detention programs have proven to be cost-effective, efficient alternatives to secure detention. Their remarkable success rates and low cost have made these programs popular throughout America: in a well-managed system, it is not unusual for 90 percent to 95 percent of youth assigned to a home detention program to make all their court hearings while remaining arrest-free. Started in the late 1970s, home detention programs have grown rapidly in number, succeeding in both rural and urban environments. Home detention programs can be run directly by public employees or through a contract with a community-based nonprofit agency.

The success of home detention rests in its straightforwardness. Home detention staff provide frequent, random, unannounced, face-to-face community supervision (and telephone contacts) to minimize the chances that youth are engaged in ongoing delinquent behavior and to ensure court appearance. Staff caseloads for home detention programs are kept low to ensure effective supervision.

Home detention programs in JDAI sites are designed so that staff may increase (or decrease) the intensity of supervision and contact time based upon a youth's behavior. When a youth violates a condition of home detention, he or she need not automatically be returned to secure detention. Staff can first consider increasing the level of supervision. Of course, continued failure to comply with the rules and conditions of home detention may result in return to the secure detention center. In Cook County, for example, a youth is liable to be returned to secure detention if he or she is not available on three occasions when the probation staff do a home visit.

Home detention programs vary in practice from site to site, but generally require youth to observe a tight curfew (e.g., 6:00 PM weekdays) and limit movement outside the home to pre-approved activities, locations, and times (e.g., school and church).

Multnomah's home detention program (which is known locally as "community detention") combines the efforts of probation staff and a not-for-profit private agency. The Multnomah program starts all youth at the same contact levels, but alters supervision levels weekly as a function of compliance with program requirements. After a successful period, a youth's curfew may be eased, and/or with the permission of the staff, he or she might be allowed to attend a special activity. The Multnomah community detention program uses hourly workers from a private agency (Volunteers of America) who are familiar with the youth's neighborhood to provide face-to-face supervision. The Probation Department runs a related "compliance" unit that handles all the phone-in requirements of the program. Table 1 summarizes contact requirements for this program; Figure 1 summarizes how

TABLE 1

MULTNOMAH COUNTY COMMUNITY DETENTION CONTACT REQUIREMENTS

Level	Phone Calls from Youth	Visits with Monitors
Week 1 Entry Level	4 calls per day (28 per week)	2 face-to-face daily; 2 face-to-face curfew checks a week; 5 curfew phone checks
Week 2 Mid-range	3 calls per day (21 per week)	1 face-to-face daily; 2 curfew checks a week
Week 3 Mid-range	2 calls per day (14 calls per week)	3 face-to-face contacts weekly
Week 4 Exit Level	1 call per day (7 per week)	2 face-to-face contacts weekly

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compliance (or non-compliance) affects movement of youth from one level of restrictiveness to another.

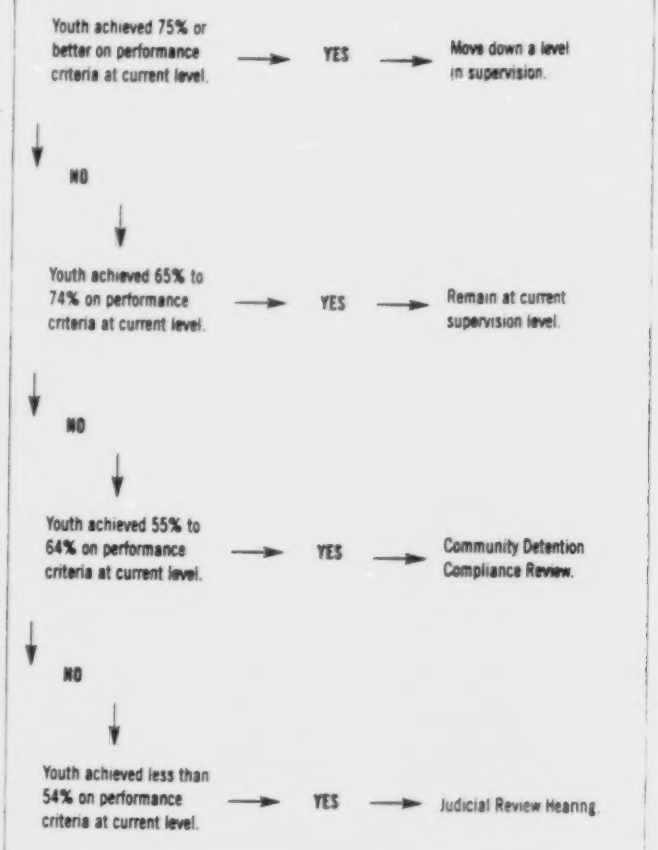
Sacramento County's "home supervision" program is operated exclusively by the probation department, which deploys teams of officers to conduct unannounced home and school visits, to make collateral contacts, and to install electronic monitoring devices when ordered. Sacramento's is a high-volume program, supervising approximately 160 youth daily. Average daily costs for supervision is approximately $16 per youth.

In Cook County's "home confinement" program, probation staff provide the direct face-to-face supervision and collateral contacts and also handle all the phone work.

Another type of in-home detention program depends on a contracted, community-based, not-for-profit agency that hires an "advocate" or a community supervisor to supervise a youth for 15 to 30 hours each week in the community. The advocates provide supervision and support to the youth both in the home and within a community context. Advocate staff work intensively with youth in the community, generally supervising no more than four youth at any one time. Although no JDAI site adopted this approach to home detention, the community advocate model of home detention has operated successfully in Philadelphia for a number of years.

FIGURE 1

MULTNOMAH COUNTY COMMUNITY DETENTION COMPLIANCE STANDARDS


Youth achieved 75% or better on performance criteria at current level.
YES
Move down a level in supervision.
NO
Youth achieved 65% to 74% on performance criteria at current level.
YES
Remain at current supervision level.
NO
Youth achieved 55% to 64% on performance criteria at current level.
YES
Community Detention Compliance Review.
NO
Youth achieved less than 54% on performance criteria at current level.
YES
Judicial Review Hearing.

Community advocates make home visits, collateral contacts, and telephone calls to check on a youth's adherence to a curfew, but they also spend a great deal of direct time with youth in the community after school and in the evenings. Staff participate

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COOK COUNTY HOME CONFINEMENT PROGRAM

Staff: Two-member teams of probation officers, each team responsible for 25 cases.

Program elements:

1. At least three weekly face-to-face contacts in youth's home, generally in late afternoon and evenings on weekdays and weekends. Random telephone contacts.
2. Youth restricted to home except for school and church attendance and other activities approved by probation staff.
3. Collateral contacts to check on school attendance and other activities.
4. Program supervision can be enhanced with electronic monitoring.

Eligibility criteria: Secure-detention-eligible youths with no more than one outstanding juvenile arrest warrant; willing and cooperative parent; no previous failures on home confinement.

Length of stay in program: 30-45 days.

Cost: $10 per day.

Program capacity: 225 youths.

Average daily population: 180-200 youths.

Successful completion rate: 91% of participants remain arrest-free and make their court hearings during their time in the program.

with the youth in educational and recreational activities, help youth find jobs, and assure that a youth and his or her family attend all court dates. The number of hours an advocate supervises a youth in the community can be adjusted based on the youth's risk. Advocates typically live in the same neighborhood and share ethnic and racial backgrounds with the youth they supervise.

In-home detention programs may be supplemented by other supporting mechanisms. Many programs use a written agreement or contract with the youth and his or her parents to establish clear behavioral expectations. These contracts clarify curfew hours, places where the youth may or may not go, and expectations for school attendance or employment. The responsibilities of the parents to cooperate with the home detention program are similarly defined.

Electronic monitoring is also often used with home detention programs. In some JDAI sites, use of this technology is typically restricted to one of two situations: (1) as a more restrictive option for youth who have failed to comply with standard program rules, and (2) as a means to release youth who might not otherwise meet routine program eligibility criteria.

Electronic monitoring has become the first-choice alternative to detention programs in many jurisdictions nationally. At least two unanticipated (but related) consequences result from this unfettered use. First, face-to-face contacts between youth and monitoring staff diminish. Second, violations of electronic monitoring typically result in secure confinement, since no more restrictive option is available to the staff. The JDAI site experiences, therefore, emphasize that electronic mon-

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itoring should be used to enhance, not replace, face-to-face supervision, and primarily for cases that present higher risks to public safety.

PHILADELPHIA YOUTH ADVOCATE PROGRAM

Staff: Not-for-profit, private agency screens, hires, and trains community residents who provide intensive, individualized supervision to no more than four youth at a time. Advocates are supervised by full-time professional staff.

Program elements:

1. 15 to 30 hours of face-to-face supervision in community, depending on risks and needs of specific youth.
2. Youth are referred to recreational, educational, and vocational opportunities in the community.
3. Daily checks on school attendance and curfews.
4. Supervision can be enhanced with electronic monitoring in selected cases.
5. Staff accompany youth to all court appearances.

Eligibility criteria: Secure-detention-eligible youths referred by court.

Cost: Depends upon amount of court-ordered weekly supervision. 15 hours per week costs approximately $225; 30 hours, approximately $325.

Successful completion rate: 92% of youths made their court hearings and remained arrest-free while in the program.

B. Day and Evening Reporting Centers

Each of the JDAI sites implemented another type of non-residential detention alternative generally known as day reporting. These are non-secure community programs that provide six to 12 hours of daily supervision and structured activities for youth who require more intensive oversight than an in-home program can provide. Youth in these programs are often not enrolled in school at the time of their release from detention, making routine monitoring difficult and leaving the youth with too much unfilled time. In some jurisdictions, such as Broward County, Florida, day reporting is used in conjunction with non-secure residential placements. In this example, youth participate in educational and recreational programming at the day reporting center that could not be offered at their group home.

Reporting centers offer several key benefits. The cost for supervision of youth in these programs is far less than in a secure setting. At the same time, the community is protected by the center's intensive daily supervision of each youth. Particularly high-risk youngsters may also be monitored with an electronic device. Generally, youth remain in a reporting program for at least 30 days, or until their case is disposed.

Cook County modified this program model by creating a system of evening reporting centers that provide structure and supervision to youth during the "high-crime" after-school and evening hours from 3:00 to 9:00 PM. After determining that many youth were returned to secure detention as probation violators, Cook County developed the evening reporting centers as an alternative sanction.

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(The centers also serve some youth who are in a pre-adjudication status.) Located in high-referral neighborhoods, Cook County's evening reporting centers are run by non-profit, community-based providers who have experience and expertise dealing with the problems of their neighborhood's youth. The community-based agency hires, trains, and supervises local staff who provide intensive, individualized supervision to no more than 25 youths per site.

The Cook County evening reporting centers have been successful at diverting youth from secure detention. In a recent statistical report on Cook's alternative to detention programs, the National Council on Crime and Delinquency analyzed 183 cases admitted to the evening reporting centers in 1997 and concluded that over 60 percent would have been admitted to secure detention if the evening reporting center program were not in place. Based upon its success at diverting cases from secure confinement, as well as the programs' impressive completion rates, Cook County has now established a network of five evening reporting centers (in geographical areas of the county with high VOP rates) and anticipates replication in still other neighborhoods.

COOK COUNTY EVENING REPORTING CENTERS

Staff: Operated by non-profit, community-based service organizations that hire and train staff primarily from the neighborhood; centers maintain a ratio of one staff to five youth.

Program elements:
1. Six hours of daily supervision, tutoring, counseling, and recreation.
2. Curfew checks.
3. Evening meals and transportation home.
4. Youths are referred for additional recreational, educational, and vocational opportunities in the community.
5. Work with families.
6. Collateral checks on school attendance and school work.
7. Program supervision can be enhanced by linking participants to home confinement program and/or electronic monitoring.

Eligibility criteria: Secure-detention-eligible youths; chronic VOPs.

Length of stay in program: 21-30 days.

Cost: Approximately $33 per youth per day.

Successful completion rate: 90% of youth make their court hearings and remain arrest-free while in the program.

Quite often the most troublesome operational obstacles for day or evening reporting centers develop when administrators or court personnel fail to distinguish between day reporting and day treatment. The day or evening reporting center model is an alternative to detention program designed to provide intensive supervision to youth who would normally be held in secure pretrial custody. The goal is to ensure that youth return to court for their scheduled court date with no new law violations. In contrast, day treat-

ment programs offer an array of clinical interventions aimed at accomplishing more comprehensive behavioral change. The latter model is generally relevant only for post-dispositional caseloads. Applying day treatment program expectations to day reporting programs can have negative consequences. For example, youth who comply with day reporting program requirements, but who are (inappropriately) expected to demonstrate changes in attitude, demeanor, self-control, etc., may be unnecessarily violated even though they attend the program, appear in court, and remain arrest-free.

C. Residential Alternatives

The JDAI sites developed a variety of residential alternatives either for youth who needed 24-hour residential supervision to be considered for release from secure detention, or for youth who had no suitable home or relative placement available.

Perhaps the more typical residential alternative is a shelter program.[1] A shelter is a non-secure residential facility staffed to provide time-limited housing for a youth as an alternative to secure detention. Youth are typically supervised by staff 24 hours a day, seven days a week. Although shelter programs may have some hardware (locks on the doors and windows), shelter care depends on close staff supervision. In New York City's non-secure detention (NSD) residential alternatives, a minimum direct staffing ratio of one staff per six youth must be maintained for each shift, in addition to an on-site director and case manager.

Non-secure residential alternative programs provide "normal" age-specific services: education, recreation, tutoring, and life skills training. Staff generally work shifts. Much as in a hospital emergency room or a secure detention facility, the staff must report to work even when the shelter's population is low. Most shelters also have a trained cadre of part-time employees to supplement the regular staff during times of high census or staff illness or vacation. Experience indicates that it is preferable for staff to reflect the gender and ethnic diversity of the shelter's population.

In the JDAI sites, shelters are used for two types of youth. For the past 20 years, New York has used NSD residential programs to provide 24-hour intensive supervision to higher-risk youth who need it in order to be released from secure detention.

In New York, the highly structured NSD program is considered the most restrictive detention alternative within the detention continuum.

Cook, Multnomah, and Sacramento Counties, however, generally use non-secure residential alternatives for lower-risk youth for whom no parent, immediate family member, or extended family member has been identified or is available. Absent these alternatives the youth were typically admitted to the secure detention center.

Before JDAI, Cook County, with one of the largest secure detention facilities in the nation, was without a single shelter bed for delinquent youth. Data analyses revealed that on any given day, 20 to 25 youth were held in secure detention for whom release had been authorized by judges but for whom no parent or relative could be located. Most of these youth were low-risk cases. Relying on this information, Cook County developed a contract with a not-for-profit community-based agency to run a short-term residential shelter. Eventually Cook County began to use the shelter for placement cases awaiting a slot in a non-secure residential treatment alternative. The county recently developed a separate shelter for low-risk girls.

JDAI sites work to ensure that their non-secure residential alternatives are not used as long-term placement options; length of stay in shelter typically does not exceed 30 days. Youth in shelter placement are scheduled for court hearings within the same time frames as youth in secure detention. Length of stay in shelters is considerably shorter for low-risk cases. For example, Cook County probation staff work to locate family members and release youth to a responsible relative within a few days of shelter placement.

Effective shelter alternatives establish a strong internal program so youth experience consistent and structured activities, typically including both educational and recreational activities. Some non-secure residential alternatives provide an educational program within the shelter itself; in others, youth attend public schools. While it is not necessary or common for a shelter to have an on-site medical clinic, shelter programs do take care of emergency medical situations.

Shelter facilities need to comply with applicable state or local licensing standards. Both Cook County and New York City have kept their shelter care pro-

grams relatively small (8-20 beds per residence). Larger shelter care programs are difficult to run.

Some jurisdictions meet shelter care needs by contracting for beds in various group homes. For example, rather than developing separate shelter care programs for pre-adjudicatory youth, Sacramento County expanded contracts with existing group care providers in order to "reserve" a number of shelter care slots for youths who need time-limited residential supervision. These arrangements can be fiscally and administratively convenient because they avoid heavy capital costs required for program start-up and avoid the dilemmas associated with siting new programs. However, many jurisdictions find that mixing pre-trial youth into a group home with a different original mission and client population does not work well. Such programs may be unfamiliar with the challenges posed by delinquent youth or the expectations of the courts. As a result, youth may fail at higher rates simply because their jurisdiction's shelter care programming has been inadequately planned and developed.

MANUEL SAURA CENTER, COOK COUNTY

Staff: Operated by a not-for-profit community-based agency that hires and trains professional and non-professional staff. Program is located in a converted six-flat apartment building in a Chicago neighborhood.

Target populations: (1) Youth identified by the risk assessment instrument as suitable for residential alternative, (2) youth designated by judicial order as "RUR" (release upon request), and (3) post-dispositional youth within 30 days of being placed in a residential treatment center.

Program elements:
1) 24-hour residential supervision.
2) Educational instruction.
3) Independent living skills.
4) Individual and group counseling.
5) Transportation to court and to other required appointments.
6) Probation outreach to arrange return to parental (or other relative) custody.

Capacity: 20 beds.

Length of stay in program: 1-10 days for pre-adjudicated cases; up to 30 days for youth awaiting placement.

Cost: Approximately $90 per youth per day.

Successful completion rate: 96% make all court appearances and remain crime-free while in program.

D. Foster Care

As a supplement to the non-secure residential program, a jurisdiction may want to follow the example of Multnomah County and contract for host homes or foster care slots for younger children, girls, lower-risk cases, or other youth who may not be suitable for placement in a congregate care facility. Multnomah contracts with the Boys and Girls' Aid Society, a private child care agency, for individualized host

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home slots, paying on an as-used basis. Usually youth stay in the host home for a few days while probation finds a more permanent arrangement; most youth are returned home or to a relative.

As a general rule, younger children are not well served in a congregate care setting. Their developmental needs can best be met in a host home or foster home, particularly a home located in the same neighborhood and one that reflects the children's ethnic and racial background. Foster parents receive specialized training about youth referred by the juvenile justice system. They also have access to appropriate staff resources (e.g., probation) in order to help defuse potential crises and to provide respite care.

E. Costs of Alternatives

Operating costs for secure detention varies enormously throughout the country. However, it is not uncommon for well-staffed, well-maintained facilities to average $150 to $200 per bed per day. Operating and construction costs, including debt service, for one new secure detention bed for a 20-year period can easily approach $1.25 million.

Clearly, alternative programs are far less costly than secure beds. Of course, the comparative cost-effectiveness of secure beds versus alternative options depends on the degree to which the alternative programs actually displace youth from secure beds. The average cost of alternative-to-detention programs also varies with the local job market. Table 2 presents the approximate average costs of alternative programs on a per diem basis in JDAI sites.

TABLE 2
AVERAGE DAILY COST OF ALTERNATIVE PROGRAMS IN JDAI SITES

Program Type	Per Diem Costs
Home confinement/house arrest	$10
Electronic monitoring (not including staffing)	$6-10
Electronic monitoring (including staffing)	$15-30
Community-based advocate supervision	$30-44
Evening reporting center	$32-35
Non-secure residential	$90-130

F. Advocacy and Intensive Case Management

In addition to the detention alternative program models mentioned above, a new approach to reducing detention populations that combines case advocacy and intensive case management has been pioneered by the nonprofit Center on Juvenile and Criminal Justice (CJCJ) in San Francisco and the District of

Columbia. Research has shown that even the most well-intentioned innovations are ineffective when they are simply absorbed into existing organizational practices. To ensure that the program serves as a true alternative to detention, CJCJ employs a "deep end" strategy targeting youths who have histories of multiple system contacts and are likely to be detained pending their adjudication. The program's two components are:

Case Advocacy. Upon a referral from judges, court staff, defense attorneys, prosecutors, parents, or community-based service providers, a CJCJ case manager initiates an interview with the youth. If the youth agrees to participate, an individualized case plan is developed. The case plan is a detailed report that describes the specific conditions and outcomes that the youth promises to fulfill in exchange for release from custody. Case plans typically include provisions for attending school, family intervention/counseling, drug treatment, recreation activities, tutoring, and vocational training.

Upon its completion, the case plan is presented to the court or appropriate court personnel by a CJCJ case manager. If the court or its designated agent agrees with the case plan (which occurs in 85 percent of cases), the youth is released to CJCJ's custody.

Intensive Case Management. The purpose of intensive case management is to promote community adjustment by monitoring compliance and providing support to assist youths to overcome adversities and patterns that lead to recidivism and/or failure to appear. An effective intensive case management component involves multiple daily contacts. The following is a typical list of daily contacts by CJCJ case managers:

- Week One — Three daily face-to-face contacts
- Week Two — Two daily face-to-face contacts
- Weeks Three through Six — One daily face-to-face contact
- Weeks Six through Twelve — Three weekly face-to-face contacts

CJCJ case managers carry pagers and respond to crisis calls on a 24-hour basis. For youths requiring highly intensive service, designated CJCJ case managers may maintain case load ratios of 5:1. The maximum case load is a 10:1 ratio. In some

instances case managers are assisted by a part-time case monitor who is responsible for supervision when the case manager is not available.

In CJCJ's District of Columbia program, case managers are allotted up to $1,000 in discretionary funding to purchase services on an as-needed basis. These funds are used to purchase a wide variety of services and personal items, including special tutoring, personal hygiene items, clothing, YMCA memberships, or bus transportation.

CJCJ ADVOCACY AND CASE MANAGEMENT PROJECT

Staff: Program staff are full/part-time CJCJ staff or are subcontracted from community-based agencies. In some instances, CJCJ initiates the program and then transfers it to a community-based agency.

Program elements:
1. Case planning.
2. Release advocacy.
3. Daily face-to-face contacts at school and home.
4. Referral to community services and programs.
5. Daily curfew checks.
6. Crisis intervention.
7. Presentation of progress reports and disposition recommendation to the courts.

Eligibility: Any youth who is recommended for detention pending adjudication is potentially eligible. Determining factors for program acceptance are the youth's willingness to participate and the availability of appropriate resources.

Successful completion rate: 85-90% of youths accepted into the program successfully completed the program without a new arrest or failure to appear. A follow-up study by UNLV Professor Randy Shelden found that advocacy and case management participants are rearrested at half the rate of a comparison group, and at a third the rate for violent offenses.

Note

[1]A word about definition. Some jurisdictions (e.g., New York City) do not use the term "shelter" to describe residential detention alternatives. For them, "shelter" care denotes a program for the homeless and not an alternative residential detention program for youth who would have been held in secure detention. New York's residential alternative is called "non-secure detention."

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Chapter 4

SPECIAL POPULATIONS

In addition to developing detention alternatives for youth awaiting juvenile court hearings, JDAI sites developed specific program responses for youth held as probation violators and for youth held for adult court processing.[1]

A. Probation Violators

In many jurisdictions, probation resources are stretched thin; caseloads are high and funding is limited. Often, probation officers will use secure detention to sanction youth who do not comply with the conditions of their probation. In order to address the issue of probation violators, a jurisdiction first needs to determine to what extent it uses secure detention as a sanction for youth who violate the terms of their probation.

The JDAI sites analyzed the probation violations placed in secure detention. As a result of such analyses, Cook and Multnomah Counties implemented administrative reviews of such violators to ensure that options other than secure detention were considered as sanctions. Individual probation officers could not routinely recommend secure detention as an option for a violation of probation. Instead they were encouraged to try alternatives, such as increasing the intensity of probation supervision or imposing community service. Secure detention was reserved as a last resort.

To facilitate this administrative review of probation violators, Multnomah developed and implemented "A Continuum of Graduated Sanctions," a grid of proportional, graduated sanctions for probation officers to use when sanctioning youth who violate conditions of probation (see Table 3). The grid classifies violations as minor, moderate, or serious and presents sanctions for each type of violation. Probation officers cannot recommend detention for minor or moderate violations without first using one of the recommended alternative sanctions.

Often sanctions of short duration will effectively motivate the youth to follow his or her conditions of probation. Multnomah used elements of its home detention program (e.g., early curfew, increased random face-to-face contacts, electronic monitoring) or placement in its day reporting program to sanction probation violators for a time-limited period.

TABLE 3

MULTNOMAH COUNTY CONTINUUM OF PROBATION SANCTIONS FOR VIOLATION BEHAVIOR

RISK LEVEL	LOW			MEDIUM			HIGH		
Sanction	**Minor**	**Moderate**	**Serious**	**Minor**	**Moderate**	**Serious**	**Minor**	**Moderate**	**Serious**
Warning	•								
Problem Solving	•	•		•			•		
Written Assignment				•					
Community Service	• 1 day	• 1-2 days	• 1-5 days	• 1 day	• 1-2 days	• 1-6 days	• 1 day	• 1-2 days	• 1-5 days
Mediation		•							
Court Watch	•	•		•					
Office Report	•	•		•					
Home Confinement Parent Supervision		• 1-3 days	• 3-5 days		• 1-5 days				
Home Confinement Department Supervision			• 3-5 days		• 1-5 days	• 5-10 days			
Day Reporting			• 2-7 days	• 2-4 days	• 4-14 days	• 7-14 days	• 4-10 days	• 7-21 days	• 21 days
Electronic Monitoring			• 5 days			• 5-8 days		• 8 days	• 8+ days
House Arrest						• up to 4 days		• up to 8 days	• 8+ days
Forestry Project					• 1 weekend	• 1-2 weekends		• 2 weekends	• 2 weekends
Court School				•	•	•	•	•	•
Detention						• 1-4 days		• 2-5 days	• 2-8 days
AITP					•	•	•	•	•
Extend Probation			•			•		•	•
Commitment						•		•	•

In addition to strengthening supervisory review of probation officers' actions in VOP cases, Cook County developed specific program alternatives to "sanction" youth in non-residential settings. As described earlier, Cook County developed and uses evening reporting centers for some of these cases. It also utilizes the Sheriff's Work Alternative Program (SWAP). Youth assigned to SWAP perform community service work for a set number of days under supervision of the sheriff's staff, cleaning and maintaining county buildings and city parks. Youth are "sentenced" to the same number of days of community service as they would have served in secure detention for their probation violation.

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B. Youth Facing Adult Trials

An increasing problem for many secure detention centers is the growing number of juveniles being held while their case is processed in the adult court system. In many jurisdictions, "transfer" cases (or "waived" or "designated" juvenile offenders) spend more than six months in secure custody. Juvenile detention centers were not designed as long-term facilities. These cases, therefore, present substantial programming and behavior management challenges to detention center staff.

A widespread misconception is that youth transferred to the adult court system represent the most intractable cases. The facts reveal a somewhat different story. In Cook County, for example, Elizabeth Clarke studied the profile of youth automatically transferred to the adult court and placed in the juvenile detention center pending their adult trial for a 16-month period (from November 1992 through March 1994). Of these youth, nearly 40 percent were transferred for a drug or weapons offense; nearly half of these cases were dismissed or placed on probation by the adult court. For youth for whom racial data were available, almost 95 percent were African-American or Latino. Clarke comments,

> *"Three main trends emerge from an examination of the research available on the effects of transfer/waiver in the United States. The first trend is that a significant proportion of youth waived to adult criminal court tend to be charged with property or drug offenses, rather than violent felonies involving personal harm. The second trend is that there is preliminary research indicating that recidivism rates are lower among juveniles retained in the juvenile court than among juveniles tried in criminal court. The third trend is that waiver appears to disproportionately impact minority youth."*[2]

A similar pattern exists nationwide: according to the National Center for Juvenile Justice report *Juvenile Offenders and Victims,* two-thirds of waived delinquency cases in 1992 had property offenses, drug law violations, or public order offenses as the most serious charge.[3]

Local juvenile justice officials need to gather accurate data on transferred and waived youth in their own jurisdictions. Once the facts are known, specific strategies can be developed and pursued with the support of both juvenile and adult jus-

tice officials. These strategies might include facilitating bail (and bail reduction) hearings in selected cases and working to ensure faster adult trials.

In one of the original JDAI sites, New York City, a programmatic innovation was developed as an alternative to secure detention for cases prosecuted in adult court. The Center for Community Alternatives (CCA) provides highly structured, individualized pre-trial and sentencing options for more serious offenders (who in New York State are called "juvenile offenders," or JOs) who face adult-like sentences. Youth are referred to CCA's program 14 days after their placement in secure detention. Data analysis revealed that JO youth still in custody after two weeks would typically remain confined until disposition. In New York City, this period routinely exceeded six months. This new screening practice, therefore, maximized the bed displacement impact of the program.

When a youth is referred to CCA, staff develop a specific and individualized release (and sentence) option that is then presented to the court, including intensive supervision and community supports. CCA case managers closely monitor each youth, assuring that they comply with the conditions set by the court. Young people generally remain in the program for one year. The court usually accepts a plea bargain, based upon a youth's positive program performance, that results in a probation disposition. Since 1988, CCA's Youth Advocacy Project has worked with more than 1,000 juveniles prosecuted in the adult courts. Each year fewer than 20% of project youth are returned to court, generally for non-compliance with the terms of their sentencing plan.

Notes

[1]For a detailed discussion of strategies aimed at reducing the number of "special population" youth held in secure detention, see *Special Detention Cases: Strategies for Handling Difficult Populations*, in this series. In addition to discussing VOPs and youth held for adult court, this ***Pathways*** publication also discusses strategies for addressing the problems related to youth awaiting placement after their dispositional hearing.

[2]*A Case for Reinventing Juvenile Transfer*, Children and Family Justice Center, Northwestern School of Law, June 1996.

[3]Snyder, Howard N. and Melissa Sickmund, *Juvenile Offenders and Victims*, National Center for Juvenile Justice, 1995.

Chapter 5

DESIGN AND IMPLEMENTATION ISSUES

Decisions regarding which youth are placed in alternative detention programs and how they exit are critically important to the alternative program's success.

A. Who Gets into the Alternatives?

JDAI sites sought to make sure that youth placed in detention alternatives were drawn only from the pool of youth placed or about to be placed in secure detention. They understood the danger that some youth who would not ordinarily have been detained at all might now be sent to the alternative programs, thus propelling more youth overall into a jurisdiction's detention system, setting a wider net of control. The sites also recognized that imprecise selection of program participants would minimize the programs' impact on the population of the secure facility. It might actually have the perverse effect of raising the secure-detention population because small failures to comply with conditions of an alternative program (that they should not have entered in the first place) could lead to secure confinement. Despite attention to these concerns, however, there is no doubt that some net widening occurred.

To help ensure that only secure-detention-eligible youth were placed in alternatives, JDAI sites developed objective admission policies and practices, including criteria to determine overall detention eligibility (diverting cases clearly not eligible for detention) and the use of objective risk assessment instruments. These assessments place detention-eligible youth in an appropriate level of restriction based on the youth's likelihood of flight and potential danger to the community. With explicit detention criteria, law enforcement officials, the court, probation staff, and others know beforehand which youth are eligible for secure detention or placement in an alternative detention program. (See *Controlling the Front Gates: Effective Admissions Policies and Practices* in this series.)

As part of its screening process, each JDAI site developed a risk assessment instrument. These instruments help identify juveniles who are eligible for detention but who do not necessarily need to be held in secure facilities. The instrument

will separate youths who may be eligible for detention into three levels of risk: high, medium, and low. Risk assessment instruments provide structure and consistency in the detention assessment process and help to match alternative-eligible youth with appropriate levels of supervision.

Effective risk assessment practices helped JDAI sites identify cases where the young people had a demonstrable record of failure to appear for court hearings, and cases that presented a clear risk to public safety. These cases were admitted to secure detention. At the same time, the use of a risk assessment instrument helps ensure that low-risk and medium-risk detention-eligible youth are considered for placement into alternative programs. The experience of Cook County is instructive in this regard. Between 1995 and 1996, Cook County modified its risk instrument to make more medium-risk youth eligible for placement in detention alternatives. Admissions to alternative detention programs increased while the admissions to the secure facility decreased.

TABLE 4
COOK COUNTY DETENTION SCREENING, 1995-1996

Total Youth Screened	Released Without Conditions		Released to Alternatives		Detained	
1995 10,177	2,646	26%	684	7%	6,847	67%
1996 12,701	3,161	25%	3,910	31%	5,630	44%

Source: National Council on Crime and Delinquency.

These JDAI site experiences underline the importance of careful monitoring of detention admissions as part of the process of implementing alternatives. If many youth are placed in new alternative programs, but admissions to secure detention do not decrease, the program is probably widening the net.

B. Who Decides, and When?

In the JDAI sites, cooperative arrangements were developed regarding who decides which youth are placed in detention alternatives. In some instances, the judges have agreed, based upon pre-determined risk scores or other factors (e.g., technical violations of probation), to allow the probation department or the detention center staff to place certain youth directly into detention alternatives. For example, in Multnomah, youth scoring in the moderate-risk range can be released by probation to an alternative at intake. In these cases, detention-eligible youth do not enter secure detention at all; they are placed directly into an appropriate detention

alternative. However, these youth do attend detention hearings the next day so the judge can review the decision.

In other instances, the risk assessment administered by probation or detention center staff will lead probation to recommend (at a detention hearing) that a youth be placed in an alternative program after spending a brief period in secure detention (usually 24 to 72 hours). In these instances, judges make the final decision regarding detention. The delay in release may prove worthwhile. For example, the prosecutor's investigation may reveal that the alleged delinquent was a minor participant, or staff may have been able to contact the youth's family.

In special cases (e.g., New York City's CCAs program for adult court cases), a youth is not considered for the alternative program until after a 14-day period in secure detention. Such a practice helps to ensure that youth referred to the program would have remained in secure detention for the entire pre-trial period. In this instance, the judge decides whether or not to release the juvenile defendant.

Because circumstances change, frequent reassessments of juveniles in secure detention are necessary to identify alternative-eligible youth. A responsible relative (e.g., an older brother or sister) may step forward and be willing to cooperate with an alternative program to provide sufficient community supervision, or charges may be reduced upon prosecutorial review, lowering a youth's risk assessment score. In these cases, non-secure alternatives may be considered as a "step-down" placement from the secure facility. To facilitate this review process, JDAI jurisdictions have established dedicated positions (Cook County's "Detention Review Supervisor" and Sacramento and Multnomah Counties' "Expediter"). Their responsibility is to identify youth in the secure population whose changing situation now makes them appropriate for non-secure placement. While personnel in these positions do not have the final say regarding placement in alternatives (they typically need a judge's order to secure release from detention), they play a pivotal role by providing timely information essential to those decisions.

C. How Long Should Juveniles Stay in a Detention Alternative?

Just as length of stay in secure detention needs to be constantly monitored, so too does length of stay in a jurisdiction's alternative detention programs. Although a youth placed in a detention alternative is not in secure custody, youth in detention alternatives experience various degrees of restrictive supervision. These programs are alternative forms of detention; they are not dispositional alternatives. A jurisdiction needs to emphasize that the alternative detention programs, like secure custody, are designed to provide a time-limited form of detention supervision and not longer-term treatment.

Long lengths of stay in detention alternatives have two negative consequences, both of which limit the program's ability to reduce the population of secure detention. First, the longer youth stay in alternatives, the greater the likelihood that they will violate program rules. Such youth are then often automatically placed in secure detention. Second, long lengths of stay mean that detention alternatives quickly reach full capacity and develop "waiting lists." Unnecessarily long stays in alternative programs, therefore, lower the slots available for eligible youth, forcing the system to hold eligible juveniles in secure detention.

When designing their alternative programs, JDAI sites worked to ensure that court reviews for youth in the alternatives were scheduled in the same time frames as youth held in secure detention. The length of stay in New York's non-secure residential facilities approximates the average pre-dispositional stay of youth in secure custody. Similarly, in Cook County, youth in home confinement or in evening reporting centers are scheduled for court hearings as often as youth in secure detention.

Youth should be discharged from detention alternatives when their cases are adjudicated and the court decides upon a disposition. Of course, youth can be discharged from particular alternatives before disposition when their situations warrant (e.g., excellent program performance). In Cook and Multnomah Counties, many youth are released from the shelter or host home alternatives as soon as probation identifies a parent or relative who will take responsibility.

D. What Is the Right Response to Non-Compliant Behavior?

What happens when a youth does not obey the rules of the alternative program? It is inevitable that some youth will not comply with the terms of their release, so effective programs anticipate these problems before beginning to operate. Most programs in JDAI sites utilize a graduated system of responses, keeping in mind the purposes of the program—to protect the community and keep the youth arrest-free and available for court hearings.

In reviewing a youth's violation of a program condition, a number of factors need to be considered, including the nature of the violation, the likelihood of a repeat violation, the support of the youth's family or relatives, the support system available to the youth in the community, and his or her general progress in the alternative program, in school and at home.

Multnomah County has established routine "compliance review" hearings for youth in community detention who have not complied with the conditions of the alternative program (e.g., missed contacts with staff). These sessions are used for admonishment, to increase restrictiveness of conditions, or to lengthen the period of program participation. Other sites have empowered supervision staff to move youth up or down a continuum of restrictive conditions as a function of their performance. For example, a youth might be required to call in more frequently, to observe a more restrictive curfew, or be subject to more unannounced home visits for violations of home confinement program conditions. In most instances, decisions to impose electronic monitoring on a non-compliant program participant require judicial approval.

Persistent violations of programmatic conditions may, of course, result in detention. It is critical, however, that program design and implementation be based upon the notion that the program's mission is to help the youth to succeed in the program, rather than simply to track transgressions. JDAI sites found that program success rates are not just a function of youth behavior. They also are determined by how the program's staff operates.

E. Start-up and Expanding Alternatives

While support for the program is being developed, operational details must receive attention. Staffing ratios and staff schedules need to be developed. Selection and training of staff, purchasing and testing of needed equipment (beepers, cell phones, electronic-monitoring equipment, etc.) and, for programs that require a physical plant, site identification and preparation should begin. All of these details need to be addressed before a program becomes operational.

JDAI program managers learned early that it is important to be flexible. Sometimes it is tempting to design a program and then wedge young people into pre-determined slots, services, or relationships. From an operational standpoint, the program must have the ability to address each youth's individual circumstances. Additionally, managers must have the ability to assess the program's effectiveness and make adjustments when desired outcomes are not being achieved. Quite frequently, staff assignments, schedules, or program activities will need to be adjusted and changed. Not all youth respond to all staff in a positive manner; it is unlikely that every staff member can develop a supportive relationship with every young person referred to a program.

Success breeds success. New programs should start slowly, accepting relatively few youth at a time. As with any new program, referral processes will need to be worked out and reporting relationships will need to be developed. New routines and schedules will need to be set. Program details will probably have to be adjusted. It will take some time for confidence in the program to be established. Cook County's favorite approach to starting new programs was to pilot them in specific court parts, using success (in terms of use and outcomes) to generate interest on the part of other judges. This was how electronic monitoring, evening reporting, and SWAP were brought on line. This strategy worked well to get the bugs out, test whether judges would actually use the new program, and generate demand from other judges for access to similar services.

> *You start small, you develop a sense of accomplishment and a level of confidence, and then it spreads. When judges see that it works for them, they are going to want it.*—Bill Siffermann, Deputy Director, Juvenile Probation & Court Services, Cook County

Once a track record is established, alternative programs can be taken to scale. Based on the success of the pilot program, Cook County expanded its evening reporting centers to five neighborhoods, substantially reducing the number of VOPs held in secure detention.

Sacramento and Multnomah managed to expand the capacities of alternative programs in a particularly cost-efficient manner. Sacramento uses "on-call" staff to handle an increase in referrals to its home detention program. Multnomah pays for additional slots in its host home program on an as-used basis.

Chapter 6

MANAGEMENT ISSUES

Once a jurisdiction is committed to developing detention alternatives, a number of key management issues need to be addressed.

A. Should the program be run by a not-for-profit community organization, or directly by a juvenile justice agency?

> *We get more bang for our buck from community-based organizations that identify with the culture that they are serving—Southeast Asians, for example. There is no way I can put a deputy with a Southeast Asian background every place that he or she needs to be, so we get more bang for our buck from community organizations.*—Robert Lyons, Assistant Chief Probation Officer, Sacramento County

Perhaps the most important management issue is whether a specific detention alternative should be run directly by the public sector or be contracted to a community-based agency. As with other areas of governmental services, the decision is complicated and sometimes controversial. Each method has advantages.

In the JDAI continuums, a mixture of contracted and publicly run alternatives emerged. Some of New York's non-secure residential alternatives are run by the public agency; others are under contract to not-for-profit agencies. In Cook County, the Probation Department operates the home confinement program, while a network of community-based organizations has contracts for the evening reporting centers and the non-secure residential facility.

JDAI sites (along with many other jurisdictions) learned that viable community-based agencies often have a presence within a community and a commitment to youth and families from a specific neighborhood. These programs may be much more easily accessible and often can supervise youth within their own neighborhoods in the evenings and on weekends. Really good community organizations also have networks of formal and informal supports throughout their neighborhoods, enabling them to take advantage of resources that distant bureaucracies may not know about.

By contracting with community-based agencies, JDAI sites sought to ensure the success of their detention alternatives, not just to save dollars. Cook County's

evening reporting centers are run by community-based agencies. Given their locations and commitment to residents of their communities, these agencies were ideally situated to develop and run evening reporting centers. Youth did not have to worry about traveling through "hostile" or unfriendly neighborhoods; they could get to the evening center easily and safely after school, and they could be taken home easily by program staff at the conclusion of the program.

Many places contract for alternatives with community-based agencies to save money. A community-based agency can often establish and operate the alternative program at some cost savings compared to a public agency. But it is critically important that contracted programs not be short-changed. Underpaid community-based staff are likely to turn over or burn out frequently. If sufficient personnel funding is not made available, community-based organizations will be unable to hire and retain quality staff, and the program is likely to fail.

If an alternative program is operated directly by a governmental entity, the public agency will appear to have more immediate control over daily operations. In addition, probation officers and other law enforcement staff, to say nothing of unions, may more readily accept an alternative that is run directly by a public bureaucracy. Cook County's home confinement program, for example, was more readily accepted by the court and the state's attorney because it was staffed by a special probation unit. In contrast, when Multnomah contracted with a non-profit provider for its community detention program, probation staff were suspicious and distrusting. It took almost two years for these concerns to be alleviated, and some probation staff still see the contract agency as a threat to their jobs.

It is often a cumbersome and slow process to start and maintain a program within a government agency. In New York City, for example, the Probation Department had difficulty filling key positions in a new program funded under JDAI. Probation also struggled for many months to locate a site for program operations, and not just because of neighborhood concerns. Conflict with other city agencies was equally daunting. Civil service rules and union contracts frequently make it difficult to create new job titles and to identify, hire, and schedule staff at relevant times. Private agencies, on the other hand, can often recruit, hire, train, assign, and replace staff faster than civil-service-bound public agencies.

If a jurisdiction decides to contract with a not-for-profit community-based agency, careful attention should be paid to defining program responsibilities and system expectations. In Multnomah County, for example, a first attempt at establishing a day reporting center proved unsuccessful in part because the contract agency did not have a clear understanding of what the probation department wanted. Probation support for the program quickly eroded when individual officers were disappointed by its performance. Absent clearly understood responsibilities and expectations, however, it was impossible for this program to satisfy the needs of the system.

B. Developing Support for Alternative Programs

To be effective, a detention alternative needs broad-based support and acceptance. If not accepted by judges, other juvenile justice staff, and the funding source, the program will not succeed. If the general community does not accept the alternative program, it will be difficult to gain long-term fiscal support. At least two levels of "marketing" must be done for a system to successfully implement a detention alternative. (See *Promoting and Sustaining Detention Reforms* in this series for more on this topic.)

First, juvenile justice practitioners—detention staff, probation officers, public defenders, prosecutors, and judges—need to understand the nature and purpose of any proposed detention alternative. Judges should see presentations that lay out the proposed target population for the alternative and describe in detail the levels of supervision that the program will offer. Without the cooperation of judges, a particular alternative is unlikely to get enough appropriate referrals. And if the target population is not described as comprising youths who would have been securely detained if the program did not exist, it is unlikely that the alternative will reduce the population of the secure facility.

> *When we talk about net widening, we are very sensitive to that because we know it's a reality. One of the things that we do in addition to quality assurance—that is, making sure that there is contract compliance—is to go back to the judges or to the probation staff and say, "You are putting the wrong kids in the programs." We engage in a dialogue. We say, "Judge, this program is designed for this type of*

kid [and] your calendar shows this amount of that type of kid is in secure detention. We've got openings."—Mike Rohan, Director, Juvenile Probation & Court Services, Cook County

Once the alternative is implemented, routine reports and data on the program's performance need to be shared regularly with judges and other stakeholders. In Cook County, for example, a one-page monthly report (see Figure 2) was prepared that captured all the programs in the jurisdiction's detention alternatives continuum. This easy-to-recognize, easy-to-read description is routinely updated and disseminated systemwide. It reinforces both the availability of the programs and their effectiveness.

It is also important for the sponsoring agency to reach out to the public to explain the nature and purpose of alternative programs. Meeting with reporters and editorial boards of local newspapers, participating in local radio talk shows,

FIGURE 2

COOK COUNTY JUVENILE DETENTION ALTERNATIVES CONTINUUM

MONTHLY REPORT—August 1999

Court Notification

March 1995

Written notice and telephone reminders to all minor respondent households in advance of every court hearing during the pre-adjudication stage of proceedings.

Avg. Daily Notices: 97

Community Outreach Supervision

October 1994

Court-ordered community based supervision of pre-adjudicated minors in detention jeopardy for up to 45 days.

Capacity:	34
Present Enrollment:	21
Serviced to Date:	1743
Average Daily Population:	19.8
Successful Completion Rate: *	94%

Home Confinement

October 1994

Court-ordered conditional release from secure detention. Evening and weekend supervision by probation officers for up to 45 days.

Capacity:	225
Present Enrollment:	
Pre-adjudication:	205
Post-adjudication:	39
Total:	244
Serviced to Date:	
Pre-adjudication:	8292
Post-adjudication:	5607
Total:	13,899
Average Daily Population:	239
Successful Completion Rate:	91.6%

Evening Reporting Center

December 1995

Court-ordered community based program combined with Home Confinement for pre- or post-adjudicated wards facing consequences for VOP or JAWs for up to 21 days.

Capacity:	125
Present Enrollment:	90
Serviced to Date:	3758
Average Daily Population:	87
Successful Completion Rate:	91.8%

S.W.A.P.

August 1995

Court-ordered Sheriff-supervised work program in lieu of comparable dispositional term in the JTDC for up to 30 days.

Daily Site Capacity:	50
Program Enrollment:	175
Serviced to Date:	3743
Average Daily Population:	
Weekdays:	14.7
Weekends:	19.3
Successful Completions:	2166

A new site opened for the Sixth Municipal District 3/1/98

Electronic Monitoring

June 1996

Court-identified minors released from secure detention under special order of electronic monitoring. Engaged and supervised by Home Confinement Officers, monitored and enforced by Sheriff/Law Enforcement; immediate re-incarceration provision; 5-21 days.

Capacity:	100
Present Enrollment:	70
Serviced to Date:	1121
Average Daily Population:	73
Successful Completion Rate:	94.4%

Staff Secure Shelter

October 1995

Non-secure-detention alternative for minors who are (1) diverted from Police or JTDC custody by detention Screening Officers because of parent/guardian unavailability or (2) "qualified" JTDC minors within 30 days of being placed in a long-term non-secure setting as directed by the court.

Capacity:	20-25
Present Enrollment:	19
Serviced to Date:	3882
Average Daily Population:	19
Youths AWOL:	144
Violations:	46
Successful Completion Rate:	96.3%

*Successful completion indicates that the minor remained arrest free during the time of the program. Figures are calculated from January 1997 for Home Confinement, Evening Reporting, and Electronic Monitoring; from January 1996 for Community Outreach; and from October 1995 for Staff Secure Shelter.

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attending information-sharing meetings at local churches and other community organizations, and establishing local citizen advisory committees are all effective ways to get the word out. In New York City, support for a new alternative detention programs was greatly aided by a positive *New York Times* editorial.

Once an alternative program has begun, three basic questions need to be asked regarding its operation: (1) Is the program handling the youth for which it was designed? (2) Is the program reducing the population of the secure facility? (3) Are youth in the alternative program remaining arrest-free and attending their court hearings?

After implementing alternative detention programs, each JDAI site sought to answer these three basic questions. They tracked and analyzed relevant data to determine whether or not the alternative program was handling youth for which it was intended. They then compared this information on program admissions to the profile of youth admitted to the secure facility to determine whether or not the alternative reduced the population of the secure facility. JDAI jurisdictions also monitored the performance of youth in the alternative program, concentrating on two program performance questions: (1) Does a youth remain arrest-free while he or she is involved with the program? and (2) Does the youth make all scheduled court appearances? Using this information, JDAI sites were able to monitor their detention alternatives and to change or restructure their programs.

For example, Sacramento originally implemented a community service alternative to serve as a sanction for short-term sentenced youth (called "Ricardo M" cases in California). After about nine months of operation, when the number of Ricardo M cases in the detention center did not decrease, the county decided not to renew the program, recognizing that the court was not using it as intended. Similarly, Multnomah's original day reporting center, designed to handle VOPs, was never used by the staff, and the contract was ended. (It was only after Multnomah developed the sanctions grid that the use of a day reporting center became feasible and practical for sanctioning VOPs.) Because Cook County officials monitored the use and success of the first evening report center, they were able to expand the number of such centers to several neighborhoods.

Chapter 7

GETTING STARTED

The motivation to develop alternatives in our jurisdiction was to reduce the overcrowded conditions in our detention center by identifying populations of youth who might be better served in alternatives, and to make room in secure detention for minors who pose the greatest risk.—Bill Siffermann, Deputy Director, Juvenile Probation & Court Services, Cook County

JDAI sites were successful in developing alternatives because they acknowledged that they had a problem with chronic overcrowding in their secure detention centers and that their detention practices should change. They realized that for alleged delinquents in their jurisdiction, outright release versus secure custody was too limited a set of choices. They believed that their detention systems could become fairer and more efficient if they developed a range of alternative detention programs. And, perhaps most importantly, they took ownership of the process of developing alternatives.

RECOMMENDED STEPS FOR DEVELOPING ALTERNATIVES

1. Organize a stakeholders' group.
2. Analyze data on the detention population and juvenile court caseload.
3. Collect written information about alternative programs.
4. Visit model programs and reformed detention systems.
5. Agree on target populations and program approaches.
6. Develop a screening mechanism.
7. Promote the program with those who will refer cases.
8. Begin operations and carefully build to capacity.
9. Constantly monitor performance and make necessary adjustments.

No single strategy, much less a single program, will, by itself, resolve overcrowding, reduce failures-to-appear, or lower pre-trial rearrest rates. To accomplish these goals, jurisdictions need to take a variety of actions, a key one of which is implementing effective alternatives. Following the example of the JDAI sites, a

jurisdiction considering alternatives should create a juvenile justice stakeholders, group that can collect and carefully analyze relevant data on the youth placed in secure detention. These analyses are essential to clarify which youth might be placed in alternatives and what types of programs need to be implemented. Information on effective alternatives can then be gathered through visits to other jurisdictions and through reviews of program literature.

The experience of the JDAI sites in designing and implementing alternatives to detention made one thing clear: these kinds of changes are not easy. They learned that perhaps the most important element needed to develop effective alternatives to detention programs is the commitment of local juvenile justice leaders. These leaders need to acknowledge honestly the problems with the current system: the inappropriateness of many admissions to secure detention, the lack of effective options to the secure facility, the absence of agreement on the purposes and use of juvenile detention, the disproportionate impact on minority youth, and the dangers and liabilities associated with running crowded facilities. Once these problems are acknowledged, a dialogue can occur about the options that a jurisdiction might pursue.

The positive story is that although change is difficult, *it is possible.* The experiences of JDAI sites clearly indicate that viable detention alternatives can be developed and that secure detention populations can be reduced safely.

RESOURCES

For information about alternatives to detention program models and operations in JDAI sites, contact:

Michael Rohan, Director
Juvenile Probation & Court Services
Circuit Court of Cook County
1100 S. Hamilton Avenue, 2nd Floor
Chicago, IL 60612
(312) 433-6575

Rick Jensen
Detention Reform Project Coordinator
Multnomah County Department of Juvenile & Adult Community Justice
1401 NE 68th Avenue
Portland, OR 97214
(503) 306-5698

Yvette Woolfolk
Project Coordinator
Juvenile Justice Initiative
Sacramento County Superior Court
9555 Kiefer Boulevard
Sacramento, CA 95827
(916) 875-7013

For information about youth advocate programs, contact:

Tom Jeffers, President
Youth Advocacy Programs, Inc.
P.O. Box 950
1500 N. Second Street
Harrisburg, PA 17108
(717) 232-7580

The Pathways to Juvenile Detention Reform series includes the following publications:

Overview: The JDAI Story: Building a Better Juvenile Detention System

1. Planning for Juvenile Detention Reforms: A Structured Approach

2. Collaboration and Leadership in Juvenile Detention Reform

3. Controlling the Front Gates: Effective Admissions Policies and Practices

4. Consider the Alternatives: Planning and Implementing Detention Alternatives

5. Reducing Unnecessary Delay: Innovations in Case Processing

6. Improving Conditions of Confinement in Secure Juvenile Detention Centers

7. By the Numbers: The Role of Data and Information in Detention Reform

8. Ideas and Ideals to Reduce Disproportionate Detention of Minority Youth

9. Special Detention Cases: Strategies for Handling Difficult Populations

10. Changing Roles and Relationships in Detention Reform

11. Promoting and Sustaining Detention Reforms

12. Replicating Detention Reform: Lessons from the Florida Detention Initiative

For more information about the *Pathways* series or
the Juvenile Detention Alternatives Initiative, contact:

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